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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan VERGARA-Castillo

Defendant.

Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Attempted Entry After

Deportation

07 DEC 31 AM 9:41

'07 MJ 3006

CLERK OF DISTRICT COURT
DISTRICT OF CALIFORNIA

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The undersigned complainant being duly sworn states:

On or about **December 30, 2007** within the Southern District of California, defendant **Juan VERGARA-Castillo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **31st** DAY OF
December, 2007.

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On December 30, 2007 at approximately 5:25 AM, **Juan VERGARA-Castillo**, the Defendant, applied for admission to the United States at the **San Ysidro Port of Entry**, as a passenger in a vehicle. Defendant presented a copy of a California driver license bearing the name Elvis Steve HERNANDEZ, and claimed US Citizenship to a Customs and Border Protection (CBP) Officer. Defendant told the CBP Officer that he was born in Los Angeles, California and was on his way to Orange County, California. The CBP Officer suspected that Defendant was making an oral false claim to United States citizenship and referred him and the other occupants of the vehicle to the secondary area for further inspection.

During secondary inspection, a CBP Supervisory Officer queried the name on the copy of the California driver license presented by Defendant. The name returned an alert for a wanted person. Defendant was escorted to the security office where a CBP Officer queried Defendants' fingerprints through the Integrated Automated Fingerprint Identification System (IAFIS) and the Automated Biometric Identification System (IDENT) reflecting Defendant is a citizen of Mexico, having been previously deported and has no legal rights or entitlements to either; enter, pass through, or reside in the United States.

Further queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed that Defendant was found to be deportable by an Immigration Judge on May 31, 2005 and was subsequently removed from the United States on June 1, 2005. CIS and DACS further indicate that Defendant's last physical removal from the United States was October 3, 2006. Immigration records indicate the Defendant has neither applied for nor received permission to legally reenter the United States from the United States Attorney General or the Secretary of Homeland Security.